Remarks:

Status of Claims

Claims 1-27 are currently pending with claim 6 being amended, claims 1, 6, 10, and 14 being independent, and claims 24-27 being new.

Office Action

The Examiner rejected claims 1-23 under 35 U.S.C. § 102(b) as being anticipated by Ng (Travel Agent, 25 August 1997, vol. 287, no. 7, page 37) or a February 25th, 1997 PR Newswire article (the "February article"). Applicant respectfully suggests that neither Ng or the February article, alone or in combination, anticipate or render obvious the present invention as they fail to disclose, mention, or suggest all claimed features of the present invention. Specifically, each independent claim of the present invention, claims 1, 6, 10, and 14, includes the feature of automatically pushing flight information to an airline passenger if the updated departure or arrival time for an airline flight varies from the scheduled departure or arrival time for the airline flight by a predetermined amount of time.

Thus, the present invention pushes a notification of an *updated* flight time to a user only when the updated flight time varies from a scheduled departure or arrival time by a predetermined amount of time. If the updated flight time does not vary from the scheduled flight time by a predetermined amount, the user is *not* pushed information regarding the flight. Similarly, if a flight does not have an updated flight time, because the flight is on-time, the user is not pushed information regarding the flight. As a result, a user's email accounts, pager, or cellular phone are not spammed or bombarded with a plurality of redundant messages informing the user of already known information, namely a scheduled departure time which does not significantly vary from an already known scheduled departure time. For example, a user who has booked a large number of flights will only be pushed notification for flights which have updated departure times which vary from the originally scheduled time by a predetermined amount (10-60 minutes). Thus, the user will not receive a large number of emails or pages corresponding to the large number of flights which are on-

time or otherwise within the predetermined amount of time. Such selective pushing and notification reduces the amount of computing power and human resources required to transmit information to passengers and reduces the burden on each passenger by pushing only information for flights that are not on-time.

Rejections under 35 U.S.C. § 102(b)

35 U.S.C. §102(b) states in relevant part that "[a] person shall be entitled to a patent unless the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States . . ." For rejections based on anticipation, there is no question of obviousness or modification of the reference, rather a single reference must teach each, every, and all aspects of the claimed invention either explicitly or impliedly, and any feature not directly taught must be inherently present. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051,1053 (Fed. Cir. 1987); MPEP §§706.02 and 2131. "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913,1920 (Fed. Cir. 1989). Furthermore, a prior art device can perform all of the functions of a claimed apparatus and yet not anticipate the claimed apparatus if the claimed apparatus and the prior art device are structurally distinguishable. *In re Robertson*, 49 USPQ2d 1949,1951 (Fed. Cir. 1999); MPEP §2114. Thus, a rejection under 35 U.S.C. §102(b) is overcome by persuasively distinguishing the subject matter and language of the claims from that which is disclosed by the cited reference. MPEP §706.02(b).

The Examiner's cited references fail to disclose all features of the present invention

The Examiner's based the rejection of claims 1-23, utilizing Ng or the February article, on the following reasoning:

> Further, this system will for the passengers that have preregistered for notification will compare the scheduled and updated flight times and if there is no change then periodically notify the passenger a predetermined time before the scheduled flight

time, whereas if there is a change then periodically notify the passenger of the change a predetermined time before the updated flight time. (Office Action paragraph 3.1.1)

Applicant respectfully submits that the Examiner's reasoning does not accurately describe the features of the present invention or the teachings of the prior art. For instance, the Examiner states that claims 1-23 of the present invention are anticipated because Ng or the February article disclose notifying the passenger of an updated flight time a "predetermined time before the updated flight time." Regardless whether Ng or the February article actually disclose this feature, the predetermined time of the present invention is radically different than the "predetermined time" found in the Examiner's reasoning. The predetermined time of the present invention, as described above and in page 5, lines 8-16, of the present application, is a predetermined amount of time which represents the amount of time, between the scheduled flight time and the updated flight time, allowed before a notification is pushed to a passenger. For example, if the predetermined amount of time is 30 minutes, and the original flight time is 12:00 and the updated flight time is 12:45, a notification is pushed to the passenger because the difference between the updated flight time and original flight time (45 minutes) exceeds the predetermined amount of time (30 minutes). The predetermined time utilized by the Examiner's reasoning is the amount of time a notification is sent before a flight. For instance, in the Examiner's reasoning, if the predetermined amount of time is 30 minutes, and the original flight time is 12:00, a notice would be sent to the passenger at 11:30 regardless of any other information. Thus, the predetermined amount of time of the present invention and the predetermined amount of time of the Examiner's reasoning represent two entirely different concepts and illustrate a novel feature of the present invention.

Similarly, the "SABRE" system disclosed in the Ng and the February article requires a user of the system, or a third-party service, to provide flight information (The February Article, lines 17-18). Such functionality is known in the art as "pull technology", as data, including the flight information, must be "pulled" from the user or third party to provide updated flight information to the user. Pull technology is very inefficient as substantial computing power and human resources are expended by pulling information from the user or third-party service for each flight as a substantial number of flights are on-time and do not warrant additional notification, as described

-12-

above. In contrast, as described above in detail, the present invention utilizes "push technology" and only "pushes" information to a user when the user's flight time varies from its original scheduled time by a predetermined amount, thereby eliminating the computing power and human resources expended by "pulling" data for a substantial number of on-time flights.

In conclusion, the references cited by the Examiner, Ng and the February article, do not anticipate or render obvious the present invention as they fail to disclose, alone or in combination, automatically pushing notification information to at least one passenger on an airline flight or to an agent of the passenger if the updated time of departure or arrival varies from the scheduled time of departure or arrival by a predetermined amount of time, as is recited in all independent claims of the present invention. Additionally, the Examiner's own reasoning illustrates that the prior art does not disclose the feature of only pushing flight information for flights which are not on-time. Thus, claims 1-27 of the present invention should be placed in a condition for allowance. In the event of further questions, the Examiner is urged to call the undersigned. Any additional fee which might be due in connection with this application should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

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